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I hereby certify that this correspondence is being deposited, via hand delivery, with the Office of Petitions of the United States Patent Office on March 15, 2002.

Name of Registered Representative:

J.C. Freeman

John C. Freeman, Registration No. 34,483

March 14, 2002

Date of Signature

Patent

Case No. 10546/42

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

David A. Jaffray et al.

Serial No.: 09/788,335

Filed: February 16, 2001

For: CONE-BEAM COMPUTERIZED
TOMOGRAPHY WITH A FLAT
PANEL IMAGER

Art Unit: 2876

Examiner: unassigned

PETITION UNDER 37 CFR § 1.137
FOR REVIVAL OF ABANDONED APPLICATION

Assistant Commissioner for Patents
Washington, D.C. 20231
BOX DAC
Attn: Office of Petitions
Crystal Plaza Four, 3rd Floor

Dear Sir:

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The above-identified application was filed on February 16, 2001 without a Declaration and without payment of the filing fee and additional claims fee. Consequently, a Notice to File Missing Parts of Nonprovisional Application (hereinafter called "the Missing Parts Notice") was mailed by the U.S. Patent Office on April 2, 2001 (Exhibit A). The Missing Parts Notice indicated that the filing fee, additional claims fee and a Declaration were missing from the application filed on February 16, 2001. The Missing Parts Notice also indicated that the drawing sheets filed on February 16, 2001 did not have appropriate margins. Your Petitioners were given two months from the mailing of the Missing Parts Notice to provide the missing Declaration, pay the filing and additional claims fees and provide drawings with appropriate margins. The deadline for providing the requested items was extendible under 37 CFR § 1.136(a). Accordingly, the final deadline for providing the requested items was November 2, 2001.

On November 2, 2001, your Petitioners filed a Declaration and paid the filing fee, additional claims fee and the surcharge for late submission of the requested items. A Petition for a five month extension of time to reply to the Missing Parts Notice was also filed. Your Petitioners, however, did not file drawings with appropriate margins on November 2, 2001. This failure to file the corrected drawings was unintentional on the part of your Petitioners. A copy of a transmittal letter evidencing the material filed on November 2, 2001 is attached hereto as Exhibit B.

On January 22, 2002, a Notice of Incomplete Reply (Nonprovisional) (Exhibit C) was mailed that indicated your Petitioner's filing on November 2, 2001 was incomplete for failing to provide drawings with appropriate margins. The period to respond to the Notice of Incomplete Reply (Nonprovisional) was stated to be the period of reply to respond to the Missing Parts

Notice, with extensions available under 37 CFR § 1.136(a). As mentioned previously, the final deadline for responding to the Missing Parts Notice when taking into account extensions of time was November 2, 2001. Accordingly, the period of time to respond to the Notice of Incomplete Reply (Nonprovisional) has passed. Thus, the above-identified application is technically abandoned. Note that a Notice of Abandonment has not been received by the Petitioners as of the date of this Petition.

Faced with the above facts, your Petitioners hereby petition the Commissioner under 37 C.F.R. § 1.137(b) to revive the above-identified abandoned patent application because the failure to provide drawings with appropriate margins was unintentional.

As indicated by the Declaration of John C. Freeman, Esq. (Exhibit D), both the failure to file and the delay in filing the drawings with appropriate margins for the above-identified application was unintentional. The undersigned simply forgot to file the drawings with appropriate margins on or before November 2, 2001.

In view of the above facts, it is apparent that the delay in filing the drawings with appropriate margins in the above-identified application by the November 2, 2001 final deadline was unintentional. Furthermore, your Petitioners further state that the entire delay in filing the drawings with appropriate margins from the initial due date of June 2, 2001 until the filing of the present Petition was unintentional. Therefore, your Petitioners respectfully petition the Commissioner to revive the above-identified application. Your Petitioners are including a petition fee of \$640.00 as required under 37 C.F.R. § 1.17(m). Your Petitioners are also enclosing a Submission

of Formal Drawings where the drawings have appropriate margins and so the drawing requirement of the Missing Parts Notice is met.

Respectfully submitted,



John C. Freeman
Registration No. 34,483
Attorney for Petitioners

BRINKS HOFER
GILSON & LIONE
P.O. Box 10395
Chicago, Illinois 60610
(312) 321-4200

Dated: March 14, 2002